

June 18, 2008

Dear Federal Communications Committee,

I am writing regarding proceeding **08-82**, the MPAA's request for expedited ruling on allowing a waiver on the restricted use of the Selectable Output Control (SOC) flag.

I would like to comment to the Committee indicating that I am **opposed** to such a waiver.

While in general I support the right of content creators to decide how their content is used I also believe there needs to be a standard for broadcast content so consumers can rely on certain rights. The right of consumers to make recordings of broadcast content has been addressed by the courts. Many consumers have DVRs either through their cable provider (as category into which I fall) or via a third party system (for example a Tivo recorder). These systems are usually integrated with a guide that allows one to search for particular shows and schedule recordings in advance. At a practical level, these guides do not have a way to indicate shows that can't be recorded. Even if they did there would need to be controls to prevent a content provider from entering something into a guide without the SOC flag set and then distributing it with the flag set.

Not only would this be disappointing and confusing to many consumers who thought they had paid for certain content, including the right to time-shift such content, but content distributors that don't want to provide content on those terms already have a mechanism to do so, namely distribution as on-demand or pay-per-view content.

In addition to opposing granting the waiver to the restriction on the SOC, I also oppose the idea that there is a urgent need to expedite such a request. With the alternatives available to content providers (see previous paragraph) there is no need to short-circuit the normal period of time for the public to weigh in on the issue.

Thus I urge you to extend the period of comments on 08-82, and to reject the MPAA's request for a waiver on the restriction of use of the SOC flag.

Sincerely,  
Michael J. Zehr

